

1 **Andrew P. Holland/Bar No. 224737**
2 **aholland@thoits.com**
3 **Nathaniel H. Lipanovich/Bar No. 292283**
4 **nlipanovich@thoits.com**
5 **THOITS LAW**
6 A Professional Corporation
7 400 Main Street, Suite 250
8 Los Altos, California 94022
9 Telephone: (650) 327-4200
10 Facsimile: (650) 325-5572
11
12 **Attorneys for Defendant**
13 **DSS Technology Management, Inc.**

14
15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18
19
20
21
22
23
24
25
26
27
28

12 **INTEL CORPORATION and APPLE**
13 **INC.,**

14 Plaintiffs,

15 v.

16 **FORTRESS INVESTMENT GROUP LLC,**
17 **FORTRESS CREDIT CO. LLC, UNILOC**
18 **2017 LLC, UNILOC USA, INC., UNILOC**
19 **LUXEMBOURG S.A.R.L., VLSI**
20 **TECHNOLOGY LLC, INVT SPE LLC,**
21 **INVENTERGY GLOBAL, INC., DSS**
22 **TECHNOLOGY MANAGEMENT, INC.,**
23 **IXI IP, LLC, AND SEVEN NETWORKS,**
24 **LLC,**

25 Defendants.

Case No.: 3:19-cv-07651-EMC

26 **DECLARATION OF NATHANIEL H.**
27 **LIPANOVICH IN SUPPORT OF**
28 **DEFENDANT DSS TECHNOLOGY**
MANAGEMENT, INC.'S
SUPPLEMENTAL BRIEF IN
SUPPORT OF DEFENDANTS' JOINT
MOTION TO DISMISS AND TO
STRIKE PLAINTIFFS' COMPLAINT

Date: April 23, 2020
Time: 1:30 p.m.
Judge: Edward M. Chen
Courtroom: 5

THOITS LAW
A PROFESSIONAL CORPORATION
400 Main Street, Suite 250
Los Altos, California 94022
(650) 327-4200

THOITS LAW
A PROFESSIONAL CORPORATION
400 Main Street, Suite 250
Los Altos, California 94022
(650) 327-4200

1 I, Nathaniel H. Lipanovich, declare as follows:

2 1. I am an attorney licensed to practice law in all courts in the State of California and
3 am admitted to practice before the United States District Court, Northern District of California. I
4 am an associate in the law firm of Thoits Law, PC, and one of the attorneys responsible for the
5 representation of Defendant DSS Technology Management, Inc. ("DSS") in this matter. I make
6 this declaration of my own personal knowledge, unless the context indicates otherwise, and, if
7 called as a witness, I could and would testify competently to the facts stated herein.

8 2. Attached as **Exhibit A** to DSS's Request for Judicial Notice is a true and correct
9 copy of the settlement agreement between DSS and Intel that I received from Derek Gilliland,
10 counsel for DSS in the underlying patent infringement suit by DSS against Intel. This settlement
11 agreement is referenced in the Complaint at paragraph 113 and it resolved the litigation described
12 in the Complaint at paragraphs 110-113.

13 3. Attached as **Exhibit B** to DSS's Request for Judicial Notice is a true and correct
14 copy of Intel's Original Answer To Amended Complaint from the litigation referenced in
15 Complaint paragraphs 110-113. This document is Dkt. 69 in the case captioned *DSS Technology*
16 *Management, Inc. v. Intel Corporation, et al.*, Case No. 6:15-cv-00130-RWS. I downloaded this
17 document from PACER (Public Access to Court Electronic Records) for the Eastern District of
18 Texas, where it is publicly available.

19 4. Attached as **Exhibit C** to DSS's Request for Judicial Notice is a true and correct
20 copy of the Final Judgment from the litigation referenced in Complaint paragraphs 110-113. This
21 document is Dkt. 243 in the case captioned *DSS Technology Management, Inc. v. Intel*
22 *Corporation, et al.*, Case No. 6:15-cv-00130-RWS. I downloaded this document from PACER
23 (Public Access to Court Electronic Records) for the Eastern District of Texas, where it is publicly
24 available.

25 //

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct, and that this Declaration was executed on the 4th day of February,
3 2020, at Santa Rosa, California.

4
5 By: /s/ Nathaniel Lipanovich
6 **Nathaniel H. Lipanovich**
7
8
9
10
11
12

THOITS LAW
A PROFESSIONAL CORPORATION
400 Main Street, Suite 250
Los Altos, California 94022
(650) 327-4200

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28